

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 94-767-W - ORDER NO. 95-1323 ✓
JUNE 28, 1995

IN RE: Request of Kiawah Island Utility, Inc.) ORDER
for Approval to Implement a Regulation) DENYING
Requiring Customers with Irrigation) RECONSIDERATION
Meters 1½ Inches or Larger to Install) AND GRANTING
Telemetry Devices on their Meters at) CLARIFICATION
Customer Expense.) AND WAIVER

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Reconsideration and Clarification filed by Kiawah Island Utility, Inc. (Kiawah or the Company) which was filed on June 9, 1995.

Kiawah notes that the Commission issued its Order in this Docket on May 31, 1995, approving the Company's proposed regulation which would require purchase of telemetry devices, which would be used to cut down the water supply to certain irrigation customers in case of a fire or other specified emergency.

The Commission noted that Regulation 103-736(C) prohibits the cutting off of a customer's water service pursuant to proper notice, if that customer did not follow the requirements of Order No. 95-1174 in obtaining telemetry devices and failing to pay for them.

The Petition for Reconsideration and Clarification states that the Commission found the proposed plan regarding the telemetry devices reasonable and in accordance with Regulation 103-772(a), which allows a utility to impose reasonable restrictions on the outdoor use of water under certain conditions.

In its Petition, the Company states its belief that Regulation 103-735(K) allows enforcement of Regulation 103-772. Regulation 103-735(K) states that:

Service may be refused or discontinued for failure of the customer to comply with reasonable restrictions on the use of water as imposed under Regulation 103-772....

The Commission has examined this matter and we do not believe that Regulation 103-735(K) was meant to apply in a situation such as the one before us. We believe that Regulation 103-735(K) applies in such situations when a utility orders curtailment of water, and a utility's customer fails to follow the curtailment procedures required by the utility. We must differentiate the present case, in that telemetry devices are to be purchased and installed, which would automatically curtail water in case of fire or other specified emergency. Thus, Regulation 103-735(K) does not specifically address the situation before the Commission.

Regulation 103-701(3) states that in any case where compliance with any of the rules and regulations in that chapter introduces unusual difficulty, such rules or regulations may be waived by the Commission upon a finding by the Commission that such waiver is in the public interest.

The Commission has considered this matter further, and in clarification would state that we still believe that Regulation 103-736(C) applies. That Regulation states that failure to pay for a different type or class of public utility service shall not constitute sufficient cause for refusal of service to a present or prospective customer. The Commission believes, however, that this Regulation should be waived in the present case.


It is clear that the regulation approved in the Commission's previous Order allows the utility to introduce telemetry devices, which will perform a potentially life saving and property saving function. We believe that all possessors of meters greater than 1½ inches, present and future, must employ the devices or install the devices, or the Company's goal of additional pressure being routed to fire fighting on demand may not be realized. The telemetry devices must be paid for by the various regimes, and other entities with water meters of 1½ inches or greater size.

The Company must have a means of enforcing the installation and payment of these telemetry devices. If a party ordered to purchase one of these devices under our Commission prior Order does not, this inhibits the ability of public safety officers to fight fires on the Island. Therefore, we believe that compliance with Regulation 103-736(C) introduces unusual difficulty in the present case. We therefore hold that Regulation 103-736(C) is hereby waived, in that we believe that such a waiver is in the public interest, for the reasons stated above.

IT IS THEREFORE ORDERED THAT:

1. The Petition for Reconsideration concerning Regulation 103-735(K) is hereby denied.
2. The Petition for Clarification is hereby granted.
3. Regulation 103-736(C) still applies in the present circumstance, however, said Regulation is waived due to the unusual difficulty with compliance presented by the present facts and circumstances, and the public interest.
4. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)